

## **APPROVED MINUTES**

(Approved – April 16, 2001)

### **MONTGOMERY COUNTY REDISTRICTING COMMISSION, 2001**

**THURSDAY, FEBRUARY 15, 2001 AT 5:00 PM**

5<sup>th</sup> Floor Conference Room, County Office Building  
Rockville, Maryland

#### **COMMISSIONERS PRESENT**

Shirley Small-Rougeau, Acting Chair  
Steve Berry  
Bill Sher  
Jason Tai  
Andrew Morton  
Jayne Plank  
William Roberts  
Harry Lerch  
David Davidson

#### **STAFF**

Ed Lattner, Assistant County Attorney  
Pamela Zorich, Planner, Park & Planning  
Ralph Wilson, Council Staff  
Robin Ford, Council Staff

#### **GUESTS**

George Sauer  
Peggy Erickson, Dacek Office  
Susan Lee, Subin Office

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#### **INTRODUCTIONS**

Acting Chair Rougeau called the meeting to order at 5:00 PM, and began with introductions of all of the Commission members and staff. Ms. Ford reviewed the materials given to each member, which included the commission membership list, the section of the County Charter describing the redistricting process, the appendix to the 1991 Redistricting Report, and additional information.

#### **SELECTION OF CHAIR AND VICE CHAIR**

The Commission agreed to take a brief intermission prior to the election of the Commission Chair and Vice Chair. After the ten-minute break, the Commission reconvened. Due to the absence of two members of the Commission, and the limited time for Commissioners to get to know one another, it was agreed that elections would be held at the next meeting.

#### **PROCEDURAL & ADMINISTRATIVE MATTERS**

Ralph Wilson and Robin Ford, Council staff members, reviewed the following procedural issues and policies with the Commission.

Open Meetings Policy – All meetings are under the Open Meetings Law and are therefore open to the public. The open meetings law also requires that minutes of each meeting be taken. Robin Ford will take the minutes for the Redistricting Commission.

Attendance Policies - The presence of a simple majority of the Commission constitutes a quorum. The Commission can not meet unless a quorum exists. A Commissioner who is absent from 25% of the meetings is assumed to have resigned.

Proxy Voting – The Commission agreed that proxy voting will not be allowed.

Press Communications – It was agreed that the Chair would be the public spokesperson for the Redistricting Commission. Commissioners who speak to the press should clarify that they are not speaking on behalf of the Commission, but are expressing individual views.

Name & Address List – Staff will prepare and distribute a membership list with the contact information of all Commissioners and staff members. Any corrections or updates to this list should be brought to staff's attention.

## **CHARTER REQUIREMENTS**

Mr. Wilson reviewed the Charter requirements for redistricting with the group. He noted that the Council must select the Commission by February 1, and that the Commission must consist of four members from a list submitted by each political party and one member appointed by Council. The Redistricting Plan must be submitted by November 15<sup>th</sup>. The Council must hold a public hearing on the plan, and if no other plan is submitted, the Commission plan is enacted into law.

In response to an inquiry about possible changes in precinct boundaries, staff indicated that Sarah Harris of the County Board of Elections would be invited to a future meeting to discuss precinct and other election issues with the Commission. Acting Chair Rougeau requested that where possible, staff incorporate power point or other presentation technology, as well as individual maps, to enable the entire group to see any information. Mr. Lattner also indicated that a map of current precinct boundaries is available on the Board of Elections web site.

## **LEGAL ISSUES**

Mr. Lattner outlined the three major legal issues that the Commission should consider:

- Voting Rights Act, 1965 – Bars districting that is discriminatory and that has the purpose or effect of abridging votes based on race.

- Equal Protection Clause – Prohibits predominate consideration of race in districting decisions. Race can be a factor, but not a motivating factor in determining lines.
- One Person, One Vote – This is the notion of equally populated district. In general, the population in all districts should not vary by more than 10% .

Mr. Lattner mentioned two additional issues that may come into play for the redistricting process – census data and the multiple race categories on the 2000 census – but noted that Mrs. Zorich would address those issues in her presentation to the group.

He also reviewed the redistricting requirements as outlined in the County Charter. The Charter states that the districts must meet the following criteria:

- Compact in form.
- Composed of adjoining territory.
- Made up of substantially equal populations.
- Respect for political subdivisions (municipalities), geography, shared community interests, race, and even incumbency are also factors that determine appropriate districts.

Regarding Equal Protection Clause, Mr. Lattner noted the Commission is not required to create “Majority-Minority” districts – districts in which the minority is the majority. Failure to create such districts could be illegal only in specific circumstances, which Mr. Lattner will brief the group on in the near future.

Mr. Lattner indicated that a memo would be provided updating these issues in greater detail and that reviews of recent court cases at a later meeting.

Mr. Lattner discussed Commission election rules and noted that no second is required for election of the chair, and that the majority vote prevails. He also added that the Open Meetings law does not require the Commission to allow the public to participate in its meetings. The 1991 Redistricting Commission did have several ways for the public to participate in its meetings including scheduled times for public comment at each meeting and a public hearing prior to the Council public hearing. However, those options are left to the discretion of the Commission. Mr. Lattner suggested that the Commission determine a structured method for receiving public comment. He also noted that although it is subject to the Open Meetings law, the Redistricting Commission could have closed meetings when discussing personnel matters or receiving the advice of counsel. However, there are no circumstances where the Commission will act with a secret ballot.

Finally, upon Mr. Lattner’s request, the Commissioners received copies of two memos prepared by Linda Thall, of the County Attorney’s office, for the 1991

## Redistricting Commission on Procedural Issues and on “Employee” Status of Commission Members.

The Commission also noted the detailed work of the 1991 Redistricting Commission, and remarked that this group does not have to “reinvent the wheel”, but can learn from the 1991 Report and use some of its process as guides for the 2001 process.

### **DEMOGRAPHICS DISCUSSION**

Acting Chair Rougeau introduced Pamela Zorich, of Planning Board staff, and noted that she has previously worked with other Montgomery County Redistricting Commissions and will be extremely helpful to this Commission. Ms. Zorich provided the Commission with background information on census data. She indicated that the data the Redistricting Commission will use would be the population data from the U.S. Census Bureau, Census 2000, which will be available no later than April 1. She explained that the data the group will receive will consist of County total population, adult population, and racial, ethnic data for both adults and the total population. The Census Bureau also provides geographic line data which Planning Board staff is working to put in Geographic Information Systems (GIS) software so that this technology will be available to the Redistricting Commission.

Ms. Zorich also indicated that the Bureau is considering whether or not to release the unadjusted or adjusted census figures. (The adjusted numbers have been amended to reflect the undercount of the population - those people who did not complete the census.) Ms. Zorich also stated that the 2000 Census was the first time that individuals were able to select any combination of up to 6 racial categories. She estimates that possibly only 3% of County residents will choose to select more than one category, but that there is no certainty until the numbers are in.

Ms. Zorich also reviewed the following ways that Planning Board staff can support the Redistricting Commission:

- Provide population data at both the precinct and block levels.
- Provide data in either hard or electronic copies in various software packages.
- Provide paper maps that are convenient to work on and show layers of different types of information.
- As the Commission drafts plans on paper maps, Planning Board staff will enter these plans into the GIS system and produce high quality display maps that can be considered by the Commission, the public, and eventually, the Council.
- Provide demographic information in the form of data analysis of various trends and growth patterns of the County. For example, Ms. Zorich will soon provide the Commission with a map portraying population density within the County on a precinct level to show how residential population has shifted since the last redistricting process.
- Unique to this redistricting effort, the Planning Board is also offering access to its ArcView Redistricting Software that will enable the casual user to

visually see precinct population based on the census data categories. The software is very simple to use and may prove to be beneficial to the group.

- These display maps may also be put into transparency or PowerPoint form, and can be layered to display municipalities, special taxing districts, etc. as different colors on the display.

Ms. Zorich also added that she also has updated municipality, civic organization and special taxing districts geographical data, and will provide this information to the group. She also provided Commissioners with the Planning Board Report “Montgomery County Council District Profiles, 1997”.

## **RESOURCES**

The Commission then discussed some of the additional resources necessary to start this process. Along with the census data, the group identified the following resources:

- an updated list of the municipalities, special taxing districts, and community associations ,
- precinct maps based on 1990, and eventually 2000 census,
- maps displaying population numbers by precinct, and by the current Council district lines,
- data and maps, if available, showing previous district boundaries in Montgomery County, and
- updated data similar to that on pages 7 and 8 of the 1991 Report detailing the compliance of current districts and minority populations in each district.

The Commission requested Staff to compile and send information and materials to the group prior to scheduled meetings to allow adequate time for review.

## **PUBLIC OUTREACH EFFORTS**

Acting – Chair Rougeau indicated the importance of having broad community awareness and participation in the efforts of this Commission. She requested all Commissioners to consider ideas for public outreach. The group agreed on the need to conduct Commission meetings in various areas of the County in order to allow all residents to participate. The opportunity for community involvement will clarify the redistricting process for many residents, ensure that all who are interested are able to participate and share their concerns with Commissioners, and may reduce challenges to the final draft.

Commissioners requested that Staff prepare a draft outreach strategy for their consideration. The Commission noted that as many media outlets a possible, including minority newspapers and newsletters, radio, and television, should be contacted to ensure broad community participation in the redistricting efforts. The group requested that Staff

provide the media lists used by both the Council and Executives press and outreach offices.

## **MEETING SCHEDULE**

The Commissioners selected Mondays at 4:00 PM as the meeting day and time. The group noted that meeting frequency will be determined according to the work program of the Commission. The group may initially meet monthly, but may choose to alter the meeting schedule at a later date. The Commission requested Staff to prepare a timeline for the group, working back from the November, 15, 2001 deadline to present the final report to Council. The next meeting will be held on Monday, March 19<sup>th</sup>, 4:00 PM in the Council Office Building. Staff will distribute minutes from this meeting, the membership list with contact information, and other materials as necessary to the Commission by March 12<sup>th</sup>.

## **COMMISSIONER ISSUES**

Acting-Chair Rougeau opened the floor and asked each person to share their goals, expectations, or issues with the group. Commissioners raised such issues as:

- interest in the history of Council district lines,
- clarification on the redistricting process,
- resolving any possible preliminary issues as soon as possible,
- public involvement in the redistricting process,
- avoiding some of the problems and divisiveness of the last Redistricting Commission,
- fairness in the redistricting process,
- ensuring the best result for the citizens of the County,
- planning for the changes and future of Montgomery County,
- impact of redistricting on County elections,
- the County demographic shifts.

The meeting adjourned at 6:40 PM.

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